

Resolution No.:	<u>15-1537</u>
Introduced:	<u>July 11, 2006</u>
Adopted:	<u>July 11, 2006</u>

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By County Council

SUBJECT: DPWT Docket No. AB673
Abandonment - Portion of Unimproved Legion Drive
Montco Addition Subdivision, Damascus, Maryland

Background

1. By letter dated April 19, 2005, from Joseph Mullaney, Daniel and Kelly Sennewald, and Richard Redman, the Applicants, application to the County was made to abandon a portion unimproved Legion Drive in the Montco Addition of Damascus. The subject area is shown on the attached Tax Map FX33.
2. A public hearing to consider the abandonment proposal was conducted on February 23, 2006, by the designee of the County Executive.
3. The Police Department did not object.
4. The Washington Suburban Sanitary Commission had no objection.
5. Washington Gas did not object.
6. Allegheny Power had no objection.
7. Verizon did not comment within 60 days.
8. The Maryland-National Capital Park and Planning Commission recommended approval.
9. The Department of Public Works and Transportation conditioned approval upon the County's reservation of rights for any County storm drain facilities or public utility facilities within the area.
10. Department of Fire & Rescue Services did not comment within 60 days.
11. The County Executive recommends approval of the proposed abandonment.


Action

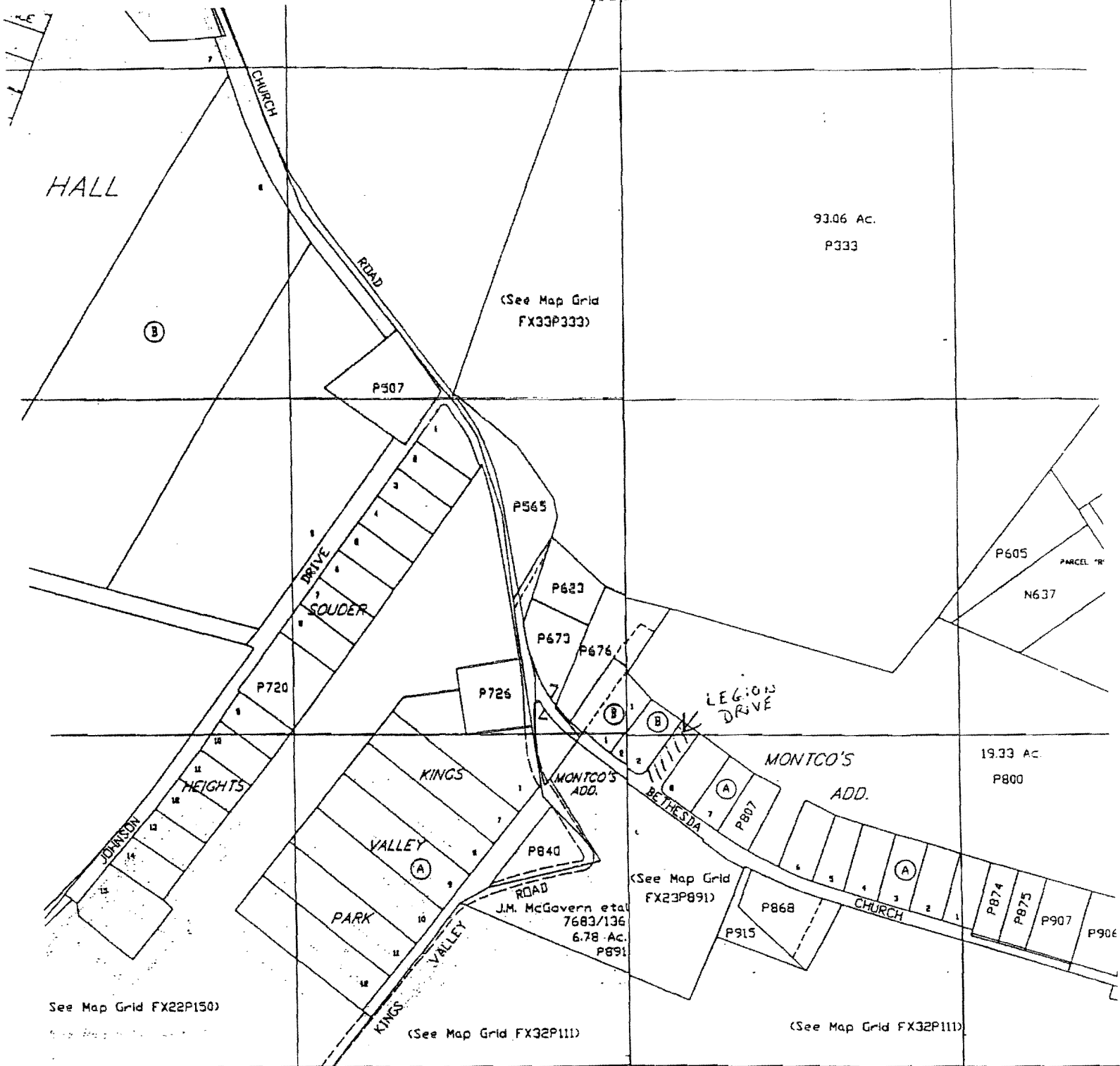
The County Council for Montgomery County, Maryland, finds that the portion of unimproved Legion Drive in the Montco Addition subdivision of Damascus as shown on the attached Tax Map FX33, is no longer necessary for public use, pursuant to Section 49-62 and Section 49-63 of the Montgomery County Code (2004), as amended, and approves the abandonment subject to the following conditions:

1. The Applicant shall record all necessary easements and if necessary relocate facilities for any affected public utility companies and Montgomery County for storm drainage facilities in place, as well as proposed facilities, for purposes of repair and maintenance.
2. The Applicant shall bear all costs for the preparation and recordation of all necessary easement documents and plats. Within twenty-four (24) months from the date of this Resolution applicant must file a plat of abandonment incorporating the former right-of-way.
3. The County Attorney shall record among the Land Records of Montgomery County, Maryland, a copy of the Resolution approving abandonment of the subject area, subject to the reservation of rights specified in this Resolution.
4. Any person aggrieved by the action of the Council for abandonment may appeal to the Circuit Court within 30 days after the date such action is taken by Council.

Attachment – Tax Map FX33

This is a correct copy of Council Action.


Linda M. Lauer, Clerk of the Council



See Map Grid FX22P150)

(See Map Grid FX32P111)

(See Map Grid FX32P111)

F-2
MONTGOMERY CO.,
MARYLAND

MAP FX
W.S.S.C. 23
Location: DA!

W60000

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Tax Map FX 33